

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ERICKA NEWBY, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

RITAS WATER ICE FRANCHISE
COMPANY LLC d/b/a RITA'S FRANCHISE
COMPANY, a Pennsylvania limited liability
company, and JOHN DOES 1-100,

Defendants.

Case No. 15-3880

**NOTICE OF VOLUNTARY
DISMISSAL**

PLEASE TAKE NOTICE that Plaintiff Ericka Newby, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby voluntarily dismisses this lawsuit against Defendant Rita's Water Ice Franchise Company LLC ("Rita's" or "Defendant") without prejudice.

Federal Rule of Civil Procedure 41(a)(1) provides, in relevant part:

(a) Voluntary Dismissal.

(1) By the Plaintiff.

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2 and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

In this case, Defendant has neither answered Plaintiff's Complaint nor served a motion for summary judgment. In addition, no class has been certified in this matter so Rule 23's exceptions do not apply. Likewise, this case does not involve any Receiver so as to implicate Rule 66.

Accordingly, Plaintiff hereby dismisses these proceedings without prejudice in accordance with Rule 41(a)(1). The claims of the unidentified putative class members, if any, are also dismissed without prejudice.

Dated: October 5, 2015

ERICKA NEWBY, individually, and on behalf of
all others similarly situated,

By: /s/ Steven L. Woodrow

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**pro hac vice*